

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**UNITED STATES**

**CRIMINAL ACTION**

**v.**

**MARCO BURTON**

**NO. 99-109**

**ORDER**

**AND NOW**, this 29th day of December, 2014, upon consideration of pro se defendant's Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (Document No. 157, filed June 6, 2014) and United States' Response to Defendant's Motion to File a Successive Petition Under 28 U.S.C. § 2255 (Document No. 159, filed June 27, 2014), for the reasons set forth in the accompanying Memorandum dated December 29, 2014, **IT IS ORDERED** as follows:

1. Pro se defendant's Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody is **DISMISSED WITHOUT PREJUDICE** to pro se defendant's right to seek authorization from the U.S. Court of Appeals for the Third Circuit to file a second or successive motion pursuant to 28 U.S.C. § 2244(b)(3)(A); and

2. A certificate of appealability **WILL NOT ISSUE** on the ground that reasonable jurists would not debate this Court's procedural rulings with respect to pro se defendant's claims or whether the Motion states a valid claim of the denial of a constitutional right. See Slack v. McDaniel, 529 U.S. 473, 484 (2000); 28 U.S.C. § 2253(c).

**BY THE COURT:**

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/s/ Hon. Jan E. DuBois  
**DuBOIS, JAN E., J.**